

Applicants : Richard Kellerer et al
Serial No. : 10/068,504
Page No. : 7

REMARKS

Applicants thank the examiner for his careful attention to this application.

The invention in the instant application relates to an improved transport container.

The sides of the container are held upright by a fastening mechanism located in the end panels. Fastening bolts extend from the fastening mechanism into a recess on the adjacent panel. The fastening bolts are maintained in position by a spring element located within the fastener. When pressure is applied to the fastening element, the fastening bolts slide out of the recess. The sides of the container can then be collapsed onto the floor of the transport container. The container can thus be transported in a folded position so as to take up less room, but can be quickly formed into a box for transporting fruits, vegetables and the like.

The claims have been amended to more fully differentiate the claimed invention from the cited art.

Claim 9, as amended requires that the spring element be contained within the fastener. By including the spring element within the fastener, the fastener can be made more compact, thus allowing the fastener to be placed at any location proximal to the edge of the container. In Oh, the spring element 34 is contained outside of the fastener.

Claim 10-22 depend upon claim 9, and thus are also allowable. However, there are other novel characteristics in the claims.

Claim 10 requires that the displaceable element can be operated both from the outside and the inside of the side wall. This is also not shown in Oh. Claim 11 depends upon

Applicants : Richard Kellerer et al
Serial No. : 10/068,504
Page No. : 8

claim 9 and states that the fastener is inserted in a cutout in the side wall. The fastener shown is Oh attaches to the top of the side wall and is not inserted within a cutout in the sidewall. Claim 13 says that the elastic spring element is arranged on the displaceable element and the displaceable element is connected with the side wall by way of the elastic spring element. In Oh, the displaceable element is not connected with the side wall by way of the elastic spring element.

Claim 18 says that the fastener is held in the fastener cutout by notch elements. Oh does not have such an arrangement. Claim 20 requires that the displaceable element have a gripping means on both sides. The device shown in Oh only has a gripping means on one side of the displaceable element.

Claim 21 says that the displaceable element ~~(16)~~ is designed as a frame body that is essentially rectangular, the width of the said frame body corresponding to the width of the side wall in which the displaceable element is accommodated. In Oh, the displaceable element is not contained within the sidewall.

New independent claim 23 is similar to claim 9, except that it requires that the displaceable element operable from either the inside or the outside of the container. This arrangement is not shown in Oh.

Claims 24 depends upon claim 23 and says that the fastener is inserted in a cutout in the side wall. As noted above, the fastener in Oh is not inserted into a cutout.

Claim 25 depends upon claim 24. Claim 26 depends upon claim 25 and says that the elastic spring element is arranged on the displaceable element, where the displaceable

Applicants : Richard Kellerer et al
Serial No. : 10/068,504
Page No. : 9

element is connected with the side wall via the elastic spring element. This is also not shown in Oh. Claim 26 depends upon claim 25 and requires the fastener have a holder plate that is arranged in a fixed position in the side wall, where the holder plate is connected to the displaceable element via the elastic element. This is also not shown in Oh.

Claim 28 is dependent upon claim 27, and claim 29 is dependent upon claim 28.

Claim 30 is dependent upon claim 29.

Claim 31 depends upon claim 30 requires that the fastener is held in the fastener cutout by notch elements. This is not shown in Oh.

Claim 32 depends upon claim 31. Claim 33 depends upon claim 32 and says that the displaceable element is provided with a gripping means on both sides. This specific element is not shown in Oh, and the combination of this element with the other precedent claims is not shown in Oh.

The new element added by claim 34, dependent upon claim 33, is also not shown in Oh. Claim 35 is dependent upon claim 34, and is likewise allowable.

Applicants : Richard Kellerer et al
Serial No. : 10/068,504
Page No. : 10

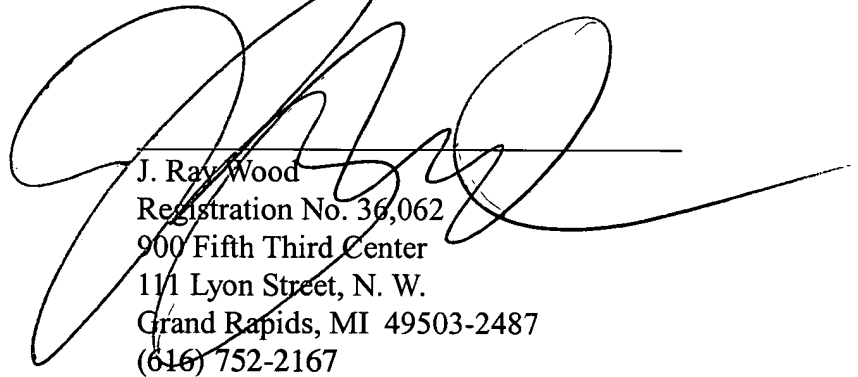
CONCLUSION

In view of the above amendments and these remarks, it is respectfully submitted that the application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

RICHARD KELLERER ET AL

By: Warner Norcross & Judd LLP



J. Ray Wood
Registration No. 36,062
900 Fifth Third Center
111 Lyon Street, N. W.
Grand Rapids, MI 49503-2487
(616) 752-2167